

Anderson County vs. Joey Preston
09-CP-04-4482
May 1, 2013
Exhibit A

- Brooks Brown testified Tom Allen, current County Council Chairman, told him in July of 2008 (at the Waldrep campaign victory party) that the incoming Council knew how to get rid of “his boy”—the new Council intended to give Preston a command he could not obey and fire him for insubordination. (*See also* Def. Ex. 26, Bright Notes 11/04/08 (“[M]eeting held—they would give him something to do that he could not perform and that he would be fired for insubordination.”)) Brown further testified that when Allen learned Brown had divulged his comments to Preston, Allen threatened him with an investigation. Notably, at the time of such threat, Allen served as the Chairman of Anderson County’s investigative subcommittee and C. Wilson also served on the subcommittee. (Allen Tr. Test. (Depo.), 47: 3-25.)
- Council-elect Moore sent correspondence to Preston about a paper shred day for the public on November 13, 2008 at 9:24 AM requesting that Preston “hold off on doing any shredding of any kind of documents from Anderson County at the present time” and “that no financial records be part of this action.” (Ex. 92, 11/13/08 Moore E-mail to Preston). However, Exhibit 93 reflects that Moore already knew no County documents would be shredded as of 6:58 AM the same morning. (Ex. 93, 11/13/08 Moore E-mail to King.) Moore blind-copied both Council-elect Tom Allen and Council member Bob Waldrep on the earlier E-mail to Gail King with Anderson County, which stated: “Thanks for the quick response. We new council members just want to make sure no county documents are destroyed at all before our auditors examine them.” (*Id.*) As reflected in Preston’s response in Exhibit 92, WAIM Radio had been misreporting that county documents were being shredded. Exhibit 92, which blind-copies Allen, Waldrep, the County Council Clerk, and WAIM Radio, reflects a further response from Moore: “Thanks for your quick response...I have always been a no nonsense guy.” (Ex. 92, 11/13/08 Moore E-mail to Preston). Then, Moore again writes to Rick Driver at WAIM Radio, who had been misreporting county documents were being shredded when they were not, as had been clarified by Preston, and states; “Rick, keep Preston’s response confidential...” (Ex. 94, 11/13/08 Moore E-mail to Rick Driver at WAIM Radio.) So, in essence, Moore sent an E-mail simply to harass Preston and then instructed WAIM Radio to keep Preston’s response confidential so the public would remain misled about county documents being shredded.
- On November 25, 2008, before taking office, and before the County ever conducted any investigation, Council-elect Moore wrote to the Attorney General requesting an investigation of Preston’s buyout. (Ex. 101, 11/25/08 Moore E-mail to Attorney General.) Moore copied Tom Allen and Council member Bob

Waldrep. Moore blind-copied the County Council clerk, Rick Freemantle, reporter Stan Welch, and WAIM Radio. On 12/01/08, Williamston Journal reporter, Stan Welch, wrote to Moore asking if he could run the story for publication. (Ex. 102, 12/01/08 Welch E-mail to Moore.) On 12/01/08, Eddie Moore forwarded the Attorney General's response to his correspondence to Tom Allen and Bob Waldrep. Moore again blind-copied WAIM Radio, Rick Freemantle, Jenna Trammell, and reporter Stan Welch. Later on 12/01/08, Moore wrote to Stan Welch stating: "Ask Rusty about it. I have to tread gingerly on this until next week. I don't want to play our hand just quite yet. But if Rusty thinks we need to go public we can." (Ex. 104, 12/01/08 E-mail from Moore to reporter Stan Welch.) During his deposition, Moore confirmed the "Rusty" referred to is current County Administrator, Rusty Burns. (Moore Tr. Test. (Depo.), 257: 18-20.) On 12/01/08, reporter Stan Welch wrote to Moore, "I spoke with Rusty. We agree there is nothing to be lost be running with this story..." (Ex. 105, 12/01/08 Welch E-mail to Moore). So, before the County ever spent the first dime on its multi-million dollar investigation, Moore had already begun manipulating the media by leaking "news" about an Attorney General investigation into Preston.

- Allen, under oath, adamantly denied drafting an E-mail on December 24, 2008, attaching a draft agenda of fourteen (14) items, which mirrored exactly what the newly constituted County Council did in its first meeting on January 6, 2009. (*Compare* Def. Ex. 111, 12/24/08 E-mail with attached agenda *with* Def. Ex. 138, 1/6/09 Council Meeting Minutes *with* Allen Tr. Test. (Dep.), 109-114; 119-141 (Testifying E-mail is "100 forgery" and then going through every item on "forged" agenda and locating them on Meeting Minutes).) Importantly, Allen's E-mail was produced from the work E-mail account of Eddie Moore by the Fluor Corporation; from its server, pursuant to a subpoena; and was first produced, by Court Order, to counsel for Eddie Moore, before production to Preston. By contrast, Eddie Moore was questioned about the same E-mail. Moore testified he in no way fabricated or manipulated Allen's E-mail stating: "If it come from Fluor Daniel, that the way it come." (Moore Tr. Test. (Depo.), 267: 2-6.) The documents confirm the resolve of the group attending the Waldrep Meetings to implement a detailed course of action, which at one time included Preston's suspension and dismissal, once they were seated.
- Council-elect Moore repeatedly leaked information to WAIM Radio to cause baseless problems for Preston as County Administrator. (*See, e.g.*, Ex. 97, 9/23/08 Moore E-mail to WAIM Radio; Ex. 101, 11/25/08 E-mail blind-copying WAIM Radio; Ex. 103, 12/01/08 Moore E-mail blind-copying WAIM Radio.)

TABLE A

EXHIBIT NUMBERS	DESCRIPTION	COURT'S RULING
Pl. Ex. 33	3/21/06 Council Mtg. Transcript	Admitted.
Pl. Ex. 92	Jones screen print and memo to Preston Re/ Germany Trip	Admitted.
Pl. Ex. 93	Jones screen print and memo to Preston Re/ ed. reimb. 11/26/08 and 10/16/06	Admitted.
Def. Ex. 121	Agt. Donohue SLED Memo. Interviewed C. Wilson, Morgan & Poliakoff Re/ lawsuit against Big Creek Landfill.	Admitted.
Def. Ex. 122	Statement by Cole to SLED. Re/ Conversation with C. Wilson, Polk Re/ allegations Preston used public money to buy people drinks	Excluded. Irrelevant & Hearsay.
Def. Ex. 123	12/3/05 Preston Statement, Re/ Felton Meeting with C. Wilson.	Excluded: Hearsay.
Def. Ex. 125	10/6/05 letter to Preston. Re: Extramarital affairs in Anderson and Lt. Briggs	Excluded: Hearsay.
Def. Ex. 126	Kelly Nichols letter to County Council Re/ Cindy Wilson slandering her	Excluded: Nichols denied its truth and testified Cunningham & Preston authored.
Def. Ex. 132	2/15/2005 Preston v. Wilson <i>et al.</i> Judg. Re/ Award to Preston for \$ 3,500.00	Admitted: Public Record & Preston Statement.
Def. Ex. 134	3/27/06 SLED memo by special agent Kindley Re/ Threats received by C. Wilson	Excluded: Relevance & Hearsay.
Def. Ex. 139	Allen email to Dunn from 12/24/08	Admitted.
Kelly Nichols' Testimony concerning her affair with Joey Preston		Excluded as Irrelevant; Information was not available to Council when the vote occurred and did not enter into the decision-making process. The Court further finds that Preston was not untruthful to County Council on this subject, so testimony would be impeachment on a collateral matter and thus inadmissible.